

Senate File 158 - Introduced

SENATE FILE 158

BY SALMON and WESTRICH

A BILL FOR

1 An Act modifying the periods of time to bring certain civil
2 actions, including by victims of sexual abuse, minors, and
3 persons with mental illness, entitling certain cases to a
4 preference in trial order, and including effective date
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.1205, Code 2023, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. *a.* The district court shall try civil
4 cases in the order in which cases are initiated by the filing
5 of a petition, provided that the following cases shall be
6 entitled to a preference:

7 (1) Actions that have been revived pursuant to section
8 614.1, subsection 12, paragraph "b", or section 614.8A,
9 subsection 2. This subparagraph is repealed July 1, 2029.

10 (2) An action in which the interests of justice, as
11 determined by the supreme court, will be served by early trial.

12 *b.* The supreme court shall prescribe rules to implement this
13 subsection.

14 *c.* Unless the court otherwise orders, notice of a motion
15 for preference shall be served with the petition by the party
16 serving the petition, or ten days after such service by any
17 other party.

18 Sec. 2. Section 614.1, subsection 12, Code 2023, is amended
19 to read as follows:

20 12. *Sexual abuse or sexual exploitation by a counselor,*
21 *therapist, school employee, or adult providing training or*
22 *instruction. An*

23 *a.* (1) If the victim was eighteen years of age or older,
24 *an action for damages for injury suffered as a result of*
25 *sexual abuse, as defined in section 709.1, by a counselor,*
26 *therapist, school employee, or adult providing training or*
27 *instruction, as defined in section 709.15, or as a result of*
28 *sexual exploitation by a counselor, therapist, school employee,*
29 *or adult providing training or instruction shall be brought*
30 *within five years of the date the victim was last treated by*
31 *the counselor or therapist, or within five years of the date*
32 *the victim was last enrolled in or attended the school.*

33 *(2) If the victim was a minor, an action for damages for*
34 *injury suffered as a result of sexual abuse, as defined in*
35 *section 709.1, by a counselor, therapist, school employee, or*

1 adult providing training or instruction, as defined in section
2 709.15, or as a result of sexual exploitation by a counselor,
3 therapist, school employee, or adult providing training or
4 instruction may be brought at any time.

5 b. (1) Notwithstanding paragraph "a", subparagraph (2),
6 every claim or cause of action brought against any party
7 alleging intentional or negligent acts or omissions by a person
8 for physical, psychological, or other injury or condition
9 suffered as a result of conduct which would constitute sexual
10 abuse, as defined in section 709.1, by a counselor, therapist,
11 school employee, or adult providing training or instruction,
12 as defined in section 709.15, or as a result of sexual
13 exploitation by a counselor, therapist, school employee, or
14 adult providing training or instruction, which is barred as of
15 the effective date of this Act because the applicable period of
16 limitation has expired or the plaintiff previously failed to
17 file a petition, is hereby revived, and action thereon may be
18 commenced not later than three years after the effective date
19 of this Act.

20 (2) Dismissal of a previous action, ordered before the
21 effective date of this Act, on grounds that such previous
22 action was time-barred, or for failure of a party to file a
23 petition, shall not be grounds for dismissal of a revival
24 action pursuant to this paragraph.

25 (3) This paragraph is repealed July 1, 2029.

26 Sec. 3. Section 614.8, Code 2023, is amended to read as
27 follows:

28 **614.8 Minors and persons with mental illness.**

29 1. The Except as provided in section 614.1, subsection 12,
30 or section 614.8A, times limited for actions in this chapter,
31 or for complaints or claims in chapter 216, 669, or 670, except
32 those brought for penalties and forfeitures, are extended in
33 favor of persons with mental illness, so that they shall have
34 one year from and after the termination of the disability
35 within which to file a complaint pursuant to chapter 216, to

1 make a claim pursuant to chapter 669 or 670, or to otherwise
2 commence an action.

3 2. Except as provided in section 614.1, subsection 9 or
4 12, or section 614.8A, the times limited for actions in this
5 chapter, or for complaints or claims in chapter 216, 659A, 669,
6 or 670, except those brought for penalties and forfeitures, are
7 extended in favor of minors, so that they shall have one year
8 from and after attainment of majority within which to file a
9 complaint pursuant to chapter 216, to make a claim pursuant to
10 chapter 659A, 669, or 670, or to otherwise commence an action.

11 Sec. 4. Section 614.8A, Code 2023, is amended by striking
12 the section and inserting in lieu thereof the following:

13 **614.8A Commencement of action for minor or child sexual abuse**
14 **and other sexual offenses — no time limitation.**

15 1. Notwithstanding the times limited for actions in this
16 chapter, an action relating to injuries suffered as a result of
17 sexual abuse as defined in section 709.1, and injuries suffered
18 as a result of other sexual offenses including but not limited
19 to lascivious acts with a child in violation of section 709.8,
20 assault with intent to commit sexual abuse in violation of
21 section 709.11, indecent contact with a child in violation of
22 section 709.12, lascivious conduct with a minor in violation of
23 section 709.14, sexual misconduct with a juvenile in violation
24 of section 709.16, subsection 2, child endangerment in
25 violation of section 726.6, or sexual exploitation of a minor
26 in violation of section 728.12, which occurred when the injured
27 party was a minor may be brought at any time.

28 2. *a.* Notwithstanding subsection 1, every claim or cause
29 of action brought against any party alleging intentional
30 or negligent acts or omissions by a person for physical,
31 psychological, or other injury or condition suffered as a
32 result of conduct described in subsection 1, which is barred as
33 of the effective date of this Act because the applicable period
34 of limitation has expired or the plaintiff previously failed to
35 file a petition, is hereby revived, and action thereon may be

1 commenced not later than three years after the effective date
2 of this Act.

3 *b.* Dismissal of a previous action, ordered before the
4 effective date of this Act, on grounds that such previous
5 action was time-barred, or of failure of a party to file a
6 petition, shall not be grounds for dismissal of a revival
7 action pursuant to this section.

8 *c.* This subsection is repealed July 1, 2029.

9 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate
10 importance, takes effect upon enactment.

EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill modifies the periods of time to bring civil actions
15 relating to young persons and persons with mental illness and
16 entitles certain cases to a preference in trial order.

17 Under current Code section 614.1(12), a civil action for
18 damages for injury suffered as result of sexual abuse or sexual
19 exploitation by a counselor, therapist, school employee, or
20 adult providing training or instruction can only be brought
21 within five years after the date that the victim was either
22 last treated by the counselor or therapist or last enrolled
23 in or attended the school. The bill amends this provision by
24 making a distinction between victims that are minors at the
25 time of abuse and victims that are 18 years of age or older at
26 the time of abuse. The bill does not change the statute of
27 limitations for victims that are 18 years of age or older at
28 the time of abuse. For victims who are minors at the time of
29 abuse, the action may be brought at any time.

30 Under current Code section 614.8, the applicable limitations
31 period in which to bring certain civil actions is extended
32 for persons with mental illness and minors. The bill amends
33 Code section 614.8 to exclude the provisions with no time
34 limitation under the bill and to specify that the extension
35 of the limitations period for persons with mental illness

1 and for minors applies to claims brought pursuant to Code
2 chapters 659A, 669, and 670, which are already mentioned at the
3 beginning of the applicable provisions.

4 Under Code section 614.8A, the bill extends the time for
5 filing a civil action relating to sexual abuse which occurred
6 when the injured person was a minor from one year after the
7 attainment of majority or within four years from the time
8 of discovery of both the injury and the causal relationship
9 between the injury and the sexual abuse to any time. The bill
10 also provides for the filing of civil actions for injuries
11 incurred from other sexual offenses.

12 The bill provides that claims related to offenses under the
13 bill that arise prior to the effective date of the bill must
14 be brought not later than three years after the effective date
15 of the bill. If an action was previously dismissed before
16 the effective date of the bill on the grounds that it was
17 time-barred or because the party failed to file a petition, the
18 party shall have a right to file a revival action.

19 The bill provides that the district court shall try civil
20 cases in the order in which cases are initiated by the filing
21 of a petition, but entitles cases to preference if the cases
22 have been revived pursuant to Code section 614.1(12)(b) or
23 Code section 615.8A(2) or actions in which the interests of
24 justice, as determined by the supreme court, will be served by
25 early trial. If a party intends to invoke this preference, the
26 party must serve the notice of a motion for preference with
27 the petition. Such notice must be served 10 days after such
28 service by any other party.

29 The bill takes effect upon enactment.